

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re. No. C 14-457 SI (pr)

KEVIN RANDALL GOOSBY, **ORDER OF DISMISSAL**

Plaintiff.

Plaintiff sent to the court a letter complaining about prison conditions. In an effort to protect his rights, a new action was opened and the letter was filed on January 30, 2014. Plaintiff was informed that he had not filed a complaint, and was given 28 days to do so or the action would be dismissed. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed *in forma pauperis*, and was given 28 days to either pay the fee or file the application or the action would be dismissed. Plaintiff did not file a complaint or file an *in forma pauperis* application or pay the fee. He did, however, send a letter in which he stated that he had not intended to file a new civil action and asked that his action be dismissed. *See* Docket # 4. (Due to an oversight at the courthouse, the court's docket was marked "civil case terminated" when the court received plaintiff's letter, although no dismissal order was filed. This order now formally dismisses the action.) In light of plaintiff's letter stating that he had not intended to file a new civil action, this action is DISMISSED because it was opened in error. No fee is due because the action was opened in error. The clerk shall close the file.

IT IS SO ORDERED.

Dated: September 9, 2014



SUSAN ILLSTON
United States District Judge